IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.397 OF 2005
IN
NOTICE OF MOTION NO.763 OF 2005
IN
SUIT NO.689 OF 2005

Arpan Leasing Co. Ltd., ..Appellants

Versus

Farhand Boman Khavar, Sole Prop.of M/s.Jurassic Fishes & Anr. ..Respondents

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Mr.Cyrus Ardeshir alongwith Rupa Shah i/by S.Ashwinkumar & Co. for Appellants.

Coram : R.M.LODHA & J.P.DEVADHAR,JJ

Date : 29th June, 2005.

PC

. By the order dated 2.5.2005, the Court issued notice to Respondent no.1 and indicated that the appeal may be disposed of at the admission stage. By way of an ad-interim order, the Receiver was also appointed in respect of suit property with a direction not to dis-possess respondent no.1 and only take possession and appoint respondent no.1 as an agent on usual terms.

2. The respondent no.1 has not chosen to appear despite service.

3. The learned Counsel for the appellants submits that in compliance of the order dated 2.5.2005, the Court Receiver has taken formal possession.

4. In our considered view, the appeal may be disposed of in terms of ad-interim order dated 2.5.2005. We do not deem it necessary to give reasons for the order that we intend to pass since the respondent no.1 has not chosen to appear despite show cause notice that the appeal shall be heard and disposed of at the admission stage. Moreover the Notice of Motion is pending before the learned trial Judge and any observation made by us may affect the decision on merits by the learned motion Judge.

5. We dispose of the appeal by the following order

O R D E R

(i) During the pendency of Notice of Motion, the Court Receiver shall stand appointed in respect of the suit property as per the ad-interim order dated 2.5.2005.

(ii) No costs.

(R.M.LODHA,J)

(J.P.DEVADHAR,J)

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IN
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. Upon disposal of the appeal, Notice of Motion also stands disposed of.

(R.M.LODHA,J)

(J.P.DEVADHAR,J)